

EXHIBIT E

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phone conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 IN RE: TERRORIST ATTACKS ON
4 SEPTEMBER 11, 2001,

03 MDL 1570 (SN)
Remote Proceeding

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5
6 New York, N.Y.
7 September 29, 2021
2:00 p.m.

8 Before:

9 HON. SARAH NETBURN,

10 U.S. Magistrate Judge
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1 forth the applicable law for expert challenges and provide an
2 opinion on the admissibility of the testimony that is
3 contemplated of those experts. The idea is that we could do
4 that sort of briefing program in a significantly more truncated
5 schedule than what is proposed by the parties and the Court
6 could turn that decision around much more quickly than we could
7 if we were looking at 28 reports. I'm not suggesting any party
8 would be denied the right to file a motion to challenge an
9 expert but, rather, that I would limit those challenges in the
10 first instance to six, three on each side. Once the parties
11 have my ruling, we will then set a schedule for dispositive
12 motions and any additional challenges that the parties wish to
13 make at that time, hopefully educated by my earlier ruling and
14 for experts where a challenge is likely not to be
15 well-received, the parties may choose not to challenge that
16 expert or maybe, based on a ruling, the parties may agree that
17 an expert is subject to challenge or should be dropped
18 altogether. But, I think the parties would benefit from an
19 initial ruling from me on a much smaller group of experts.

20 The last thing I will say is that in looking over your
21 description, which again I am quite appreciative that you did
22 that for me so quickly, there is different ways to characterize
23 the testimony that is contemplated but, broadly speaking, it
24 appears to me that the experts fall into a handful of
25 categories. I think there is a very large category of experts

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1 who are going to be sort of geopolitical or historical experts
2 talking about events in the region and other sort of historical
3 testimony including about Islam, about the region and politics,
4 about certain international relations. That seems to me a very
5 large category of testimony. It seems that there is another
6 category of testimony regarding financing, international money
7 laundering rules, accounting, banking practices, etc. I think
8 that that is arguably another category. And then there appears
9 to be another large category of sort of general 9/11 planning
10 and organizing or funding for the 9/11 attacks. We have gone
11 through this list a couple of times now and I think you could
12 come up with various categories and you could come up with 28
13 categories, if you wanted to. I am sure everybody has
14 something unique to add. But it does seem that, broadly
15 speaking, the testimony does group and so my thinking is that
16 we should have a limited number of challenges in the first
17 instance and proceed as such.

18 So, those are my opening remarks. I don't know who on
19 the plaintiffs side wants to take the lead here.

20 MR. HAEFELE: Your Honor, it is Robert Haefele from
21 Motley Rice.

22 I haven't had, obviously, an opportunity to hear what
23 my other colleagues have to say about the proposal so I'm not
24 sure that I am speaking necessarily for everyone. I understand
25 what your Honor is proposing and I think that, by and large,